

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
10.16.15

**RESOLUTION 6**

LLS NO. R16-0199 Jennifer Berman x3286 **INTERIM COMMITTEE RESOLUTION**

**Water Resources Review Committee**

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**BILL TOPIC:** "Good Samaritan Remediation Abandoned Mines"

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**INTERIM COMMITTEE JOINT RESOLUTION [MEMORIAL]**

101     **CONCERNING PROTECTION FROM LIABILITY FOR VOLUNTARY**  
102     **RECLAMATION OF ABANDONED HARD ROCK MINES.**

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1       WHEREAS, Mining began in Colorado in the mid-1800s; and

2       WHEREAS, Mining was the most significant industry in Colorado  
3       in the nineteenth and early twentieth centuries and it remains an important  
4       industry today, currently accounting for more than 57,000 jobs in  
5       Colorado and nearly \$7 billion of Colorado's annual gross domestic  
6       product; and

7       WHEREAS, Until the 1977 enactment of the "Colorado Mined  
8       Land Reclamation Act", article 32 of title 34 of the Colorado Revised  
9       Statutes, neither comprehensive environmental standards for mining nor  
10      reclamation of previously mined lands were required by state law; and

11      WHEREAS, Modern mines in Colorado have won state and  
12      national acclaim for outstanding reclamation and safety practices; and

13      WHEREAS, Despite the stringent environmental regulations now  
14      in place for modern mines, abandoned hard rock mines that were closed  
15      before the regulations took effect and without the benefit of reclamation  
16      (abandoned hard rock mines) continue to threaten the public health,  
17      safety, and environment of Colorado; and

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

1            WHEREAS, Acid-mine drainage from the abandoned hard rock  
2       mines threatens to pollute nearby streams with heavy metals such as  
3       cadmium, manganese, aluminum, and zinc; and

4            WHEREAS, According to the U.S. Environmental Protection  
5       Agency, it would cost \$35 billion or more to remediate the half-million  
6       abandoned hard rock mines in the United States; and

7            WHEREAS, The Colorado Division of Reclamation, Mining and  
8       Safety (DRMS) estimates that there are more than 22,000 abandoned hard  
9       rock mines across Colorado and that at least 500 of them are polluting  
10      streams; and

11          WHEREAS, The Gold King Mine spill on August 5, 2015,  
12       discharged 3 million gallons of acidic mine drainage from the abandoned  
13       Gold King Mine near Silverton, Colorado, into the Animas River. The  
14       contaminants turned the river a mustard yellow color and required the  
15       river to be temporarily closed for recreation, fishing, irrigation, and  
16       drinking water purposes; and

17          WHEREAS, As of August 11, 2015, the Gold King Mine  
18       continued to spill 500 to 770 gallons of waste water per minute; and

19          WHEREAS, While the DRMS has already made more than 6,000  
20       abandoned hard rock mines safe in Colorado according to its web site, the  
21       Gold King Mine spill is sobering evidence that much more work needs to  
22       be done to remediate abandoned hard rock mines; and

23          WHEREAS, Various nonprofit organizations, corporate entities,  
24       and communities with expertise in mine reclamation have expressed  
25       interest in helping to remediate abandoned hard rock mines; and

26          WHEREAS, These Good Samaritan groups are discouraged from  
27       remediating abandoned hard rock mines because of the threat of liability  
28       under the "Clean Water Act" (CWA) and the "Comprehensive  
29       Environmental Response, Compensation, and Liability Act of 1980"  
30       (CERCLA) for such third-party reclamation efforts; and

31          WHEREAS, Congressman Tipton and Senator Udall introduced  
32       identical bills in the 113th Congress in 2013, H.R. 2970 and S. 1443  
33       respectively, both entitled the "Good Samaritan Cleanup of Abandoned  
34       Hardrock Mines Act of 2013", to establish a Good Samaritan exemption  
35       from liability under the CWA and CERCLA for third-party reclamation  
36       of abandoned mines, but Congress failed to pass the bills; now, therefore,

37          *Be It Resolved by the \_\_\_\_\_ of the Seventieth General Assembly of the  
38       State of Colorado, the \_\_\_\_\_ concurring herein:*

39          That we, the members of the Colorado General Assembly, urge  
40       Congress to pass legislation establishing a Good Samaritan exemption  
41       from liability under the CWA and CERCLA as an important step toward  
42       preventing another disaster like the Gold King Mine spill.

1           *Be It Further Resolved*, That copies of this Joint Resolution  
2 [Memorial] <***If this is introduced in the Senate, it will need to be a***  
3 ***Joint Memorial***> be sent to the members of Colorado's congressional  
4 delegation.